

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

May 2, 2017  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB17-236 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 3, strike lines 25 through 27 and substitute:  
2 "(III) (A) IF A BONDING AGENT FAILS TO COMPLY WITH THIS  
3 SUBSECTION (3.5)(d), THE PROPERTY OWNER MAY FILE A COMPLAINT WITH  
4 THE COMMISSIONER REQUESTING THAT THE COMMISSIONER PETITION A  
5 DISTRICT COURT TO FILE FOR RECORD A FULL RELEASE OF ANY LIEN  
6 AGAINST REAL PROPERTY SECURING PERFORMANCE OF THE CONDITIONS OF  
7 THE BAIL BOND.  
8 (B) TO BE ACCEPTED BY THE COMMISSIONER, THE COMPLAINT  
9 MUST BE VERIFIED AND ALLEGE FACTS SHOWING THAT THE BONDING  
10 AGENT HAS FAILED TO COMPLY WITH THIS SUBSECTION (3.5)(d). THE  
11 COMPLAINT MUST INCLUDE A COPY OF THE LIEN THE PROPERTY OWNER IS  
12 REQUESTING BE RELEASED.  
13 (C) UPON RECEIPT OF A VERIFIED COMPLAINT MEETING THE  
14 REQUIREMENTS OF SUBSECTION (3.5)(d)(III)(B) OF THIS SECTION, THE  
15 COMMISSIONER SHALL MAIL A COPY OF THE COMPLAINT TO THE BONDING  
16 AGENT AT THE BONDING AGENT'S LAST-KNOWN ADDRESS.  
17 (D) IF THE TIME FOR APPEALING AN ORDER THAT EXONERATED THE  
18 BAIL BOND HAS EXPIRED AT LEAST THREE YEARS BEFORE THE COMPLAINT  
19 IS FILED, AND IF THE COMMISSIONER DOES NOT RECEIVE A REPLY FROM THE  
20 BONDING AGENT CONTESTING THE RELEASE OF THE LIEN WITHIN  
21 THIRTY-FIVE DAYS AFTER MAILING THE COMPLAINT REQUIRED IN  
22 SUBSECTION (3.5)(d)(III)(C) OF THIS SECTION, THE COMMISSIONER MAY  
23 PETITION THE DISTRICT COURT TO ISSUE AN ORDER DIRECTING THE CLERK  
24 OF THE COURT TO EXECUTE A FULL RECONVEYANCE OF TITLE, A

1 CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST  
2 REAL PROPERTY CREATED TO SECURE PERFORMANCE OF THE CONDITIONS  
3 OF THE BAIL BOND. UPON THE COURT ISSUING AN ORDER EXECUTING A  
4 FULL RECONVEYANCE OF TITLE, ISSUING A CERTIFICATE OF DISCHARGE, OR  
5 RELEASING THE LIEN, THE COMMISSIONER SHALL SEND A COPY OF THE LIEN  
6 RELEASE DOCUMENTS TO THE BONDING AGENT.

7 (E) IF THE COMMISSIONER RECEIVES, WITHIN THIRTY-FIVE DAYS  
8 AFTER MAILING THE COMPLAINT TO THE BONDING AGENT, A REPLY FROM  
9 THE BONDING AGENT CONTESTING THE FACTUAL BASIS OF THE PROPERTY  
10 OWNER'S COMPLAINT, THE COMMISSIONER SHALL INFORM THE PROPERTY  
11 OWNER THAT THE PROPERTY OWNER MUST PETITION THE DISTRICT COURT  
12 TO RELEASE THE LIEN."

13 Page 4, strike lines 1 through 9.

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